REMARKS

The rejections presented in the Office Action dated July 29, 2005 have been considered.

Claim 1 is amended to as explained below, and claims 11 and 12 are similarly amended. Claims 5, 9, and 14 are canceled without prejudice. New claims 16, 17, and 18 are added to depend from claim 1. The new claims are thought to be patentable over the cited prior art because claim 1 is patentable, as explained below, and the new claims include limitations that further detail the modeling in the hardware and software layers. Furthermore, claims 16 and 17 include limitations that indicate that capacity and demand attributes are compared at higher layers of the server and service models, and the cited prior art does not appear to compare and map at the claimed model levels.

Claims 1-4, 6-8, and 10-18 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

Terminal disclaimers are filed herewith in response to the double patenting rejection.

The Office Action does not establish that claims 1 and 7-12 are unpatentable under 35 USC §103(a) over "Pace" (U.S. Patent Publication No. 2003/0051236 to Pace et al.) The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the combination and fails to provide a proper motivation for modifying the teachings of Pace.

The limitations of amended claim 1 are thought to be neither shown nor suggested by Pace. The added limitations specify that a first service node in the first service-model layer is mappable to at least two or more service nodes in the second service-model layer ... and generating a mapping of service nodes in a first service model in the first service-model layer to service nodes in a second service model in the second service-model layer as a function of the demand attributes of service nodes of the first service model and capacity attributes of service nodes the second service model. Pace neither shows nor suggests mapping a service node in one layer to a service node in a different layer.

These limitations include those of claim 5, which is now canceled, and which was alleged to be unpatentable over "Hauser" (U.S. Patent No. 5,889,956 to Hauser et al.). However, in addition, the limitations provide that a first service node in the first service-model layer is mappable to at least two or more service nodes in the second service-model layer. These limitations are not suggested by Hauser because Pace's programming department associated demands are fixed with the engineering organizations allotted capacity. Thus, Hauser's programming department cannot be mapped to anything other than to "Engineering" (FIG. 1), and therefore, does not suggest any node in a first layer being mappable to at least two nodes in a second layer.

Furthermore, there is no "inherent" modeling of the demand and capacity attributes as claimed. Pace's system classes may have demands for resources and capacities to provide resources. However, this does not necessarily imply that the demands and capacities are attributes in models and that these attributes are used in performing the mapping.

Claims 7-10 depend from claim 1 and are not shown to be unpatentable for at least the reasons set forth above.

Claim 11 is an apparatus claim and claim 12 is a system claim. Both claims 11 and 12 include function limitations similar to those of claim 1 and are not shown to be unpatentable for at least the reasons set forth above.

The Office Action does not establish that claims 2-6 and 13-15 are unpatentable under 35 USC §103(a) over Pace in view of Hauser. The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references, fails to provide a proper motivation for modifying the teachings of Pace with teachings of Hauser, and fails to show that the combination could be made with a reasonable likelihood of success.

Claim 2 depends from claim 1 and is not shown to be unpatentable for at least the reasons set forth above.

The Office Action fails to show that the Pace-Hauser combination suggests the limitations of claim 3. In claim 3, one or more service-node relationships are established between selected pairs of the service nodes, wherein each service-node relationship has an associated transport demand attribute specifying a quantity of

communication resources required for communication between the associated pair of service nodes. Similarly, establishing one or more server-node relationships are established between selected pairs of the server nodes, wherein each server-node relationship has an associated transport capacity attribute specifying a quantity of communication resources available for communication between the associated pair of server nodes. The Examiner alleges that parent-child relationships satisfy these limitations. However, for parent-child relationships there would be no apparent need for quantities of communication resources available for communication between a parent node and a child node because the parent would be a logical classification of the child.

The alleged motivation for combining Hauser with Pace is conclusory and improper. The alleged motivation states that "it would have been obvious ... to combine the teaching of Hauser with Pace since Pace discloses that load balancing models are well known in the art, this would motivate one of ordinary skill in the art for other methods of hierarchical resource management, eventually finding Hauser and its use of Maximum allowed values, and minimum guaranteed values (e.g. abstract)." No evidence is presented to support the alleged applicability or use of Hauser's hierarchical resource management to Pace's distribution of software and data on different network platforms. For example, no evidence is presented to indicate any deficiency or need of Pace that would be satisfied by a specific teaching of Hauser. Thus, the alleged motivation is unsupported by evidence and improper.

Claim 4 depends from claim 3 and is not shown to be unpatentable for at least the reasons set forth above.

The limitations of claims 5 and 6 are not shown to be suggested by the Pace-Hauser combination. The cited teachings of Pace contain no apparent mapping of a service node in a first layer to another service node in a second layer as set forth in amended claim 1, which includes these limitations from canceled claim 5. Furthermore, there is no apparent suggestion of mapping of server nodes in a first user-selected server model to server nodes in a second user-selected server model as a function of the demand attributes of the first server model and capacity attributes of the second server model. Pace appears to teach a software to hardware mapping; there is no apparent suggestion of the claimed service node to

service node mapping nor any apparent suggestion of the claimed server node to server node mapping.

Withdrawal of the rejections and reconsideration of the claims are respectfully requested in view of the remarks set forth above. No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (HPCO.062PA).

Respectfully submitted,

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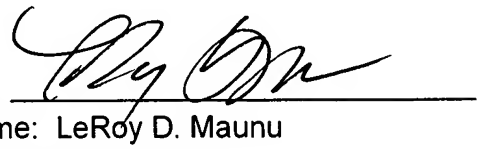
By: 
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